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Attorneys for Plaintiff Rabo AgriFinance LLC

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

<p>IN RE:</p> <p>McCLAIN FEED YARD, INC., McCLAIN FARMS, INC., AND 7M CATTLE FEEDERS, INC.,</p> <p>Debtors.¹</p>	<p>Chapter 7</p> <p>CASE NO. 23-20084-rlj</p> <p>Jointly Administered</p>
<p>RABO AGRIFINANCE LLC,</p> <p><i>Plaintiff,</i></p> <p>v.</p>	<p>ADV. PROC. NO. 23-02005-rlj</p> <p>Honorable Robert L. Jones</p>

¹ The Debtors in these jointly administered cases are: (1) McClain Feed Yard, Inc. (Case No. 23-20084); (2) McClain Farms, Inc. (Case No. 23-20885); and (3) 7M Cattle Feeders, Inc. (Case No. 23-20886). All three cases are being jointly administered under the case number for McClain Feed Yard, Inc.

ACEY LIVESTOCK, LLC et al.,

*Defendants.*²

**STIPULATION BETWEEN PLAINTIFF RABO AGRIFINANCE LLC AND
DEFENDANT SCOTT STEWART FOR (A) WITHDRAWAL OF DEFENDANT’S
DEALER TRUST CLAIMS, AND (B) DISMISSAL OF DEFENDANT FROM THIS
ACTION**

Plaintiff Rabo AgriFinance LLC (“**RAF**” or “**Plaintiff**”), and Defendant Scott Stewart (“**S. Stewart**”), through their respective attorneys, hereby enter into this Stipulation providing

² The Defendants named in the Complaint are ACEY LIVESTOCK, LLC; MICHAEL ACEY; STAN E. AYERS, JR.; ARNOLD BRAUN TRUST; ARNOLD BRAUN; ROBERT BRAUN; BAR D RANCH LAND & CATTLE LLC; N. TERRY DICKS; BARRETT’S LIVESTOCK INC.; DON RALPH BARRETT; BELLA ELEGANCE LLC; BIG SEVEN CAPITAL PARTNERS, LLC; DORA BLACKMAN; BRYAN BLACKMAN; EDDIE BRYANT; BRENT BURNETT; JOE BURNETT; TERRY BURNETT; BUSS FAMILY TRUST; EDWIN D. BUSS; DENNIS BUSS; C HEART RANCH, LLC; COLETTE LESH; CARRAWAY CATTLE, LLC; RICHARD CARRAWAY; CURTIS JONES FARMS; DAC83 LLC; ERIC DeJARNATT; DON JONES FARM, INC.; DON JONES TRUCKING, INC.; DUFURRENA CUTTING HORSES; EDWARD LEWIS DUFURRENA; RIETA MAY DUFURRENA; ROBERT ELLIS; MICHAEL EVANS; DOUG FINLEY; GARWOOD CATTLE CO.; JUSTIN GARWOOD; GENE BROOKSHIRE FAMILY, LP; JOEL BROOKSHIRE; GRAY BROTHERS CATTLE; ROBERT GRAY; RONNIE GRAY; JIMMY GREER; GUNGOLL CATTLE, LLC; BRADLEY GUNGOLL; LEAH GUNGOLL; JACE HARROLD; HINES CATTLE COMPANY, LLC; HINES FARMS, LLC; A.J. JACQUES LIVING TRUST; CORY JESKO; DWIGHT JESKO, JOANN & KEITH BROOKS d/b/a BROOKS FARMS; LARRY KEITH; DUSTIN JOHNSON; DAVID JOHNSON; KINSEY JONES; KINGDOM TRUST; JAMES MCCUAN; KEITH HARRIS; JANICE LAWHON; JAN LESH; MORRISON CAFÉ, LLC; LESH FAMILY TRUST; GARY LESH; JARED LESH; JORDAN LESH, LLC; LFC CATTLE; CHARLES LOCKWOOD; COLE LOCKWOOD; SHERLE LOCKWOOD; NIKKI LOCKWOOD; MAP ENTERPRISES; MIKE GOURLEY; NATALIE MARTUS; JEAN NIX; OPEN A ARENA LLC; BARRY PHILLIPS; DREW PHILLIPS; PRIEST CATTLE COMPANY LTD; PRIEST VICTORY INVESTMENT LLC; CHRISTOPHER PRINCE; PRODUCERS LIVESTOCK COMMISSION; SONNY BARTHOLD; DAVID RAINEY; RAPP RANCH; MARK J. REISZ; RALPH REISZ; RIDGEFIELD CAPITAL ASSET MANAGEMENT; JIM GIORDANO; RILEY LIVESTOCK, INC.; ANGIE ROBINSON; RICK RODGERS; STEVE RYAN; JIM RININGER; SCARLET & BLACK CATTLE, LLC; COLTON LONG; SCOTT LIVESTOCK COMPANY; SHAW & SHAW FARMS PARTNERSHIP LLC; THE UNIVERSITY OF FLORIDA; ROBERT J. SPRING; STARNES CATTLE; JEFF STARNES; EDDIE STEWART; ROBERT STEWART; RACHEL STEWART; SCOTT E. STEWART; STEVE T SCOTT FARMS, INC.; JUSTIN STUEVER; PHILLIP SULLIVAN; AMY SUTTON; CRAIG SUTTON; TGF RANCH LLC; TOM FRITH; THORLAKSON DIAMOND T FEEDERS, L.P.; JOHN TIDWELL; MYKEL TIDWELL; TINDAL TRUCK SALES; JOHN TINDAL; JANET VANBUSKIRK; LYNDAL VANBUSKIRK; SUSAN VAN BUSKIRK; COLBY VANBUSKIRK; CAMERON WEDDINGTON; NANCY WEDDINGTON; WILLIAM WEDDINGTON; WILDForest CATTLE COMPANY LLC; WILEY ROBY RUSSELL, JR. as TRUSTEE OF THE W. ROBBIE RUSSELL LIVING TRUST; WJ PERFORMANCE HORSES, INC.; JOB WHITE; and KENT RIES, in his capacity as CHAPTER 7 TRUSTEE OF THE DEBTORS’ CONSOLIDATED BANKRUPTCY ESTATE.

for (a) the withdrawal by S. Stewart of the S. Stewart Dealer Trust Claim (as defined below), (b) the dismissal of S. Stewart from this action based upon that withdrawal.

In support hereof, RAF and S. Stewart stipulate and agree as follows:

1. On or May 3, 2023, S. Stewart filed a claim with the United States Department of Agriculture (the “**USDA**”) asserting a claim against McClain Feed Yard, Inc., McClain Farms, Inc, 7M Cattle Feeders, Inc. and/or Brian McClain (collectively, the “**McClain Debtors**”) in the amount of \$77,089.36, which claim (hereinafter, the “**S. Stewart Dealer Trust Claim**”) was asserted pursuant to the provisions of 7 U.S.C. § 217b (the “**Dealer Trust Statute**”).

2. The USDA has preliminarily determined that the S. Stewart Dealer Trust Claim is not a valid claim under the Dealer Trust Statute.

3. On November 27, 2023, RAF filed by the above-entitled adversary naming (among others) S. Stewart as a defendant, and seeking declaratory relief from the Court against S. Stewart, including a declaration that (a) the S. Stewart Dealer Trust Claim is not valid and is not payable under the Dealer Trust Statute, (b) S. Stewart is not entitled to any funds or payments as a trust fund claimant or secured creditor under the Dealer Trust Statute, and (c) S. Stewart’s claims against the McClain Debtors are, at most, general unsecured claims.

4. S. Stewart hereby formally withdraws the S. Stewart Dealer Trust Claim, and hereby stipulates that (a) the S. Stewart Dealer Trust Claim is not valid and is not payable under the Dealer Trust Statute, (b) S. Stewart is not entitled to any funds or payments as a trust fund claimant or secured creditor under the Dealer Trust Statute, and (c) S. Stewart’s claims against the McClain Debtors are, at most, general unsecured claims.

5. Based upon the forgoing withdrawal and stipulation by S. Stewart, RAF hereby dismisses its claims in this adversary proceeding, as against S. Stewart only, pursuant to Federal

Rule of Civil Procedure 41(a)(1)(A), as incorporated in adversary proceedings by Federal Rule of Bankruptcy Procedure 7041.

DATED this 13th day of February, 2024.

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/s/ Michael R. Johnson

Michael R. Johnson

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/s/ Amber S. Miller (w/permission)

Amber S. Miller

Attorneys for Scott Stewart

CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2024, the foregoing document was filed with the Clerk of the Court using the CM/ECF system, which sent notice of electronic filing to all electronic filing users in this case.

/s/ Annette Sanchez